

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JOHN MARK WILSON, #1104169

§

VS.

§

CIVIL ACTION NO. 6:18cv519

DIRECTOR, TDCJ-CID

§

ORDER OF DISMISSAL

Petitioner John Mark Wilson, a prisoner currently confined at the Eastham Unit within the Texas Department of Criminal Justice, proceeding *pro se* and *in forma pauperis*, filed this habeas action challenging a Smith County conviction. The case was referred to United States Magistrate Judge, the Honorable K. Nicole Mitchell, for findings of fact, conclusions of law, and recommendations for the disposition of the petition.

On January 21, 2021, Judge Mitchell issued a Report, (Dkt. #28), recommending that Petitioner's federal habeas petition be dismissed, as time-barred, and that Petitioner be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Petitioner, and Petitioner has filed timely objections, (Dkt. #30).

The Court has conducted a careful *de novo* review of the record and the Magistrate Judge's proposed findings and recommendations. *See* 28 U.S.C. §636(b)(1) (District Judge shall "make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made."). Upon such *de novo* review, the Court has determined that the Report of the United States Magistrate Judge is correct and Petitioner's objections are without merit. Accordingly, it is

ORDERED that the Report and Recommendation of the United States Magistrate Judge, (Dkt. #28), is **ADOPTED** as the opinion of the Court. Petitioner's objections, (Dkt. #30), are **OVERRULED**. It is also

ORDERED that the above-styled habeas proceeding is **DISMISSED**, with prejudice, as time-barred. Petitioner is also **DENIED** a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this civil action are hereby **DENIED** as moot.

SIGNED this the 22 day of February, 2021.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge